

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

CRP.No. 61 of 2005()

AGAINST THE ORDER DATED 30/01/2002 IN IA.231/1986 IN
AA.86/1999 of APPELLATE AUTHORITY (LR), KANNUR
SMP.301/1997 of LAND TRIBUNAL, KANHANGAD

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REVN. PETITIONER: APPELLANT

1. VALSALA, W/O.BALAKRISHNAN,
RESIDING AT KONNAKKAD, HOSDRUG TALUK,
KASARAGOD DISTRICT.
2. MURALIDHARAN, S/O.LATE KUNHIRAMAN,
R/AT BALAL, HOSDURG TALUK.
3. MADHU, S/O.LATE KUNHIRAMAN,
R/AT KOORAMKUNDU, P.O.VELLARIKUNDU,
HOSDRUG TALUK.
4. BHAVANI W/O.BALAKRISHNAN,
R/AT KOORAMKUND P.O.VELLARIKUNDU,
HOSDURG TALUK.
5. SHOBHANA, W/O.SREEDHARAN,
R/AT KOORAMKUNDU, P.O.VELLARIKUNDU,
HOSDRUG TALUK.
6. DEVAKI, W/O.RAGHAVAN,
ERALA, BELUR VILLAGE.
7. SYAMALA, D/O.KUNHIRAMAN,
KOORAMKUNDU.
8. CHIRUTHAMANI,
W/O.KUNHIRAMAN, POOCHAKKAD,
HOSDRUG TALUK.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS: PETITIONER/PLAINTIFF

1. P.V.CHANDRAN,
S/O.M.NARAYANAN, CHERUVLAM,
PULLUR VILLAGE, HOSDRUG TALUK.
2. M.C.KRISHNA VARMA RAJA,
KAKKOTTU KOVILAKAM, MADIKEI VILLAGE,
HOSDRUG TALUK.
3. THE STATE OF KERALA,
REP. BY THE CHEIF SECRETARY, GOVT. OF KERALA,
TRIVADNRUM.

BY GOVERNMENT PLEADER SMT. R. BINDU FOR R3

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 05/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

M.N.Krishnan, J.

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C.R.P.No.61 of 2005

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Dated this the 5th day of November, 2007.

ORDER

This revision petition is preferred against the order of the Appellate Authority (Land Reforms) Kannur in I.A.No.231 of 1986 in A.A.No.86 of 1999. Appellants before the Appellate Authority were not parties before the Land Tribunal. The Land Tribunal passed order on 24.2.1999 and the appellants came to know about the order on 30.5.1999. They applied for a copy of the order on 8.6.1999. Copy was received on 19.7.1999 and the appeal was filed on 13.8.1999. It is stated by the Appellate Authority that the delay from 31.5.1999 to 7.6.1999 and 19.7.1999 to 12.8.1999 has not been properly explained. It can be seen that they are not parties to the proceedings. Immediately on coming to know about the case, the party has taken steps to apply for a copy and in between the delay is so short and one cannot attribute gross negligence or grave misconduct on the part of the party. Certainly after getting copy

of the order it may take time to prepare and file the appeal. The in between period is 7 days plus 22 days. I feel that the Appellate Authority was highly technical and had forgotten about the basic principles of natural justice.

2. Notice had been served on respondents 2 and 3 and as far they are concerned, service is complete and the first respondent was served by paper publication. In spite of this, they did not appear. So it is held sufficient service in the Civil Revision Petition as well and the matter is disposed of.

3. Therefore I find sufficient ground to condone the delay in filing the appeal and therefore the order dismissing the application for condonation of delay is set aside and it is allowed. As a consequence the appeal is also restored and therefore the Appellate Authority is directed to take further steps in the appeal and dispose of the matter in accordance with law.

Civil Revision Petition is disposed of accordingly.

M.N.Krishnan,
Judge.